



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**BOBBIE JEAN JACK, et al.,**  
*Plaintiffs,*

**V.**

**UNITED STATES OF AMERICA,**  
*Defendant.*

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**CIVIL ACTION NO. 1:06-CV-476**

**ORDER ADOPTING AND OF DISMISSAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for determination of pre-trial matters and entry of findings of fact and recommended disposition on dispositive matters. Pending before the Court is the Defendant *United States' Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(1)* [Clerk's doc. #6].

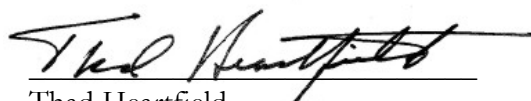
Judge Giblin entered his *Report and Recommendation on Motion to Dismiss* [Clerk's doc. #7] on July 23, 2007. He entered findings and recommended that the Court grant the United States motion to dismiss and dismiss Plaintiffs' complaint with prejudice for lack of subject matter jurisdiction.

The Plaintiffs filed objections to the magistrate judge's findings and recommendation. *See Objections to the Findings of Fact and Conclusions of Law of Keith F. Giblin, United States Magistrate Judge* [Clerk's doc. #10]. Pursuant to the Plaintiffs' objections and in accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, Plaintiffs' objections, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Plaintiffs' objections are overruled.

Accordingly, the *Report and Recommendation on Motion to Dismiss* [Clerk's doc. #6] is **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate are therefore fully incorporated by the undersigned in support of this order. The Court **ORDERS** that *Defendant's Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(1)* [Clerk's doc. #6] is **GRANTED**.

The Court further **ORDERS** that the plaintiffs' claims are **DISMISSED**, in their entirety, with prejudice, for lack of subject matter jurisdiction. This civil action is closed.

**SIGNED** this the 10 day of **August, 2007**.

  
Thad Heartfield  
United States District Judge